

EPA REGION III

◇Office of Public Affairs

◇PM Headlines

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***** PM HOT LIST *****

EPA Won't Take It -- Nor Should They

FORBES Election year politics always brings out raw emotions. But are the attacks on President Obama's Environmental Protection Agency justified or they are self-serving and an attempt to wrest power? Consider the debate over whether EPA has the authority to oversee shale gas production. At issue is whether the public has a right to know what chemicals are used in the extraction process and whether EPA has the ability to oversee wastewater disposal from oil and gas production. EPA will issue new rules in 2014, although developers say that they won't go down without a fight. As far as wastewater goes, EPA says that it is prohibited from being directly discharged into U.S. waterways. And while some of it is re-used or re-injected, a significant amount must still be disposed. As a result, some wastewater associated with shale gas is transported to treatment plants that are not properly equipped, the agency adds. Then there's the matter of what chemicals are used during fracking, or when developers go deep underground to get the shale gas. Communities around the country are expressing real concerns about the safety of their drinking water and want to know exactly what comprises those concoctions. "I'm requiring all companies that drill for gas on public lands to disclose the chemicals they use," says President Obama, in his State of the Union Address. Some developers, such as Chesapeake Energy, are supportive of this measure, although others maintain the release of such information is anti-competitive. ... "The EPA is committed to using its authorities, consistent with the law and best available science, to protect communities across the nation from impacts to water quality and public health associated with natural gas production activities," says Cynthia Dougherty, EPA's director of ground and drinking water, before Congress. "Where we know problems exist, the EPA will not hesitate to protect Americans whose health may be at risk." *Pre-emptive Steps* EPA's determination is prompting natural gas producers to take certain preemptive steps to avert federal oversight. For their part, those developers are adamant that such regulations should remain at the state level, noting that the country's geography varies from region-to-region and that a one-size-fits-all approach is not just impractical but also duplicative and expensive. ...

Frackers Drilling for IPO Dollars

THE STREET (NY) NEW YORK (TheStreet -- It looks like the most popular place for a fracking company these days is the IPO market. Two energy companies known for their fracking technologies are going after public money even as the drilling technique continues to receive negative publicity. Natural gas prices recently hit a ten-year low and only rebounded after Chesapeake Oil (CHK) said it would drill less. These factors might deter some from going public but U.S. Silica Holdings (SLCA) is seeking to raise \$200 million this week through the sale of 11.8 million shares for \$16-\$18 each. The company is the second largest producer of commercial silica, which is a sand-like substance used in fracking as well as glass making and chemical manufacturing.

Bay Scientists Urge Caution on Nutrient Trading

ASSOCIATED PRESS ANNAPOLIS, Md. - An environmental group is urging caution in developing a nutrient trading program to cut Chesapeake Bay pollution. Nutrient trading allows polluters to buy credits for reductions made by others. The concept has been proposed to limit pollution from nitrogen and phosphorus, so-called nutrients that fuel oxygen-robbing algae blooms in the bay. The pollutants come from sources including sewage, fertilizer, auto and power plant emissions. Some states in the bay watershed have individual nutrient trading programs and a regional program has been proposed to help cut bay pollution. A new report by the Senior Scientists & Policymakers for the Bay says the concept has promise, but must be vigorously monitored to guard against fraud and ensure large traders don't have an advantage over smaller groups.

Legislation to control stormwater advances

NORTHERN VIRGINIA DAILY Regulations that take effect in 2014 would give most of the responsibility to localities WINCHESTER -- Bills aimed at controlling stormwater runoff and protecting the Chesapeake Bay through local monitoring continue to move forward in the General Assembly. Regulations that take effect in 2014 would give most of the responsibility for permitting and monitoring stormwater management to localities. But, as Joe Wilder, deputy director of public works for Frederick County, the localities also receive most of the money from permitting fees. "Really, I can sum up the bill in one little sentence here," Wilder told panel members. "It basically says that 'any locality shall be required to adopt a Virginia stormwater management program.' It's real clear."

EPA misses dioxin deadline

CNN The U.S. Environmental Protection Agency missed its self-imposed deadline to complete a dioxin health assessment by the end of January. The agency, which has been working on publishing dioxin risks since the mid-1980s, on Wednesday said the report would be "finalized as expeditiously as possible." The missed deadline prompted criticism from environmental groups. "Shame on EPA Administrator Lisa Jackson for denying parents the information they need to protect their children from the health impacts of dioxin, said Lois Marie Gibbs, executive director of the Center for Health, Environment & Justice. The EPA planned to release a non-cancer health assessment of dioxin by January 31, with the cancer assessment following soon after. The agency's plans to quantify dioxin risks has pitted environmental groups, parent organizations and Vietnam veterans in favor of an assessment against the agriculture, food and chemical industries, which say the EPA report is unnecessary and will hurt businesses by triggering unfounded fears.

New Risks for Nuclear Plants

WALL ST. JOURNAL Reactors in Central, Eastern U.S. Face Greater Earthquake Threat, Study Finds. Nuclear reactors in the central and eastern U.S. face previously unrecognized threats from big earthquakes, the Nuclear Regulatory Commission said Tuesday. Experts said upgrading the plants to withstand more substantial earth movements would be costly and could force some to close. The NRC said it would require nuclear-plant operators to conduct new seismic studies for all 96 reactors in eastern and central states to determine if the plants could withstand the shaking predicted by the government's new seismic model. Updating the U.S. survey of past seismic activity became urgent after a 9.0-magnitude earthquake and tsunami devastated northeastern Japan last March. The event overwhelmed the defenses of reactors at the Fukushima Daiichi site, causing widespread damage and radioactive releases. The earthquake exceeded the level for which the reactors had been designed, calling into question earlier seismic assessments. (COPY PROVIDED)

FirstEnergy seeks solar credits for Ohio

BLOOMBERG NEWS SERVICE First Energy Corp. said on Monday that it is looking to buy solar energy credits to offset power it produces in Ohio. The credits are designed to offset pollution. FirstEnergy said it is seeking proposals for 10-year contracts for Solar Renewable Energy Credits for customers of its utilities in Ohio --

Ohio Edison, Cleveland Electric Illuminating, and Toledo Edison. The credits are needed under an Ohio energy law. Full bids are due March 6. The company has been adjusting its operations to get ready for new environmental regulations. That includes plans announced Thursday to shut down six coal-fired power plants in Ohio, Pennsylvania, and Maryland by Sept. 1 because it would have been too expensive to bring them into compliance with new federal Environmental Protection Agency regulations.

Offshore wind farms could generate more than enough energy to meet Maryland's annual needs

DOVER POST Offshore wind farms could generate more than enough energy to meet Maryland's annual electricity consumption, according to a just-published study by researchers at the University of Delaware. The potential power output is nearly double current energy demands for the state, even when taking into account various limitations on where to place equipment in the Atlantic. "Installing wind turbines far off the coast of Maryland would help the state generate large quantities of electricity while creating local jobs," said study co-author Willett Kempton, professor of marine policy in UD's College of Earth, Ocean, and Environment (CEOE). "Producing more electricity this way also displaces fossil fuel generation, thus reducing harmful carbon dioxide emissions and improving air quality."

***** MORNING HOT LIST *****

Marcellus Shale gas-drilling company says EPA used faulty pollution data

PHILADELPHIA INQUIRER In the latest salvo over Marcellus Shale gas drilling in the embattled town of Dimock, a natural gas company on Tuesday alleged that federal regulators had cherry-picked old test data to distort the amount of contamination in drinking-water wells. Cabot Oil & Gas Co., whose drilling was blamed for the pollution, said that the drinking-water tests the Environmental Protection Agency used to justify its Jan. 19 order to deliver fresh water supplies to four Dimock houses "do not accurately represent the water quality" and are inconsistent with the body of data collected at the residences. Cabot disputed the EPA's finding that the water well of one house had excessive levels of arsenic, a naturally occurring carcinogen. Cabot said none of the four houses had high levels of arsenic. It said the data that EPA cited apparently came from a test of a public water system, unrelated to well-drilling. Another house had elevated sodium levels, but Cabot said the EPA cited data from a 2008 test when the residence had in place a water-softening system, which treats water by adding sodium. Cabot said more recent tests showed less sodium than in the public water the EPA started delivering to the four residents last month by truck. "Based on this re-examination, it appears that EPA selectively chose data on substances it was concerned about in order to reach a result it had predetermined," the company said in a statement posted Tuesday on its website. Terri White, a spokeswoman for the EPA's regional office in Philadelphia, said the agency was reviewing Cabot's response and "will respond accordingly." Cabot's statement raises the stakes in a legal and public-relations battle over Dimock, which anti-drilling activists describe as ground zero in their effort to halt shale-gas development and hydraulic fracturing.

Cabot raises new questions about EPA data in Dimock

SCRANTON TIMES-TRIBUNE Cabot Oil and Gas Corp. sharply criticized federal regulators' rationale for investigating a potential link between the company's natural gas operations and contamination in Dimock Twp. water supplies on Tuesday, saying the government selectively cited or misinterpreted past water quality data to justify its probe. The statement was Cabot's fifth in less than two weeks seeking to raise doubts about an ongoing investigation renewed in December by the Environmental Protection Agency that involves widespread water sampling in the Susquehanna County township where Cabot has drilled dozens of Marcellus Shale natural gas wells. The EPA is providing replacement drinking water supplies to four homes where water tests taken by Cabot, the state

and others raised health concerns the agency said range from "potential" to "imminent and substantial" threats. It is also performing comprehensive water tests on as many as 66 wells in a 9-square-mile area of Dimock. In its statement Tuesday, Cabot said the data shows there are "no health concerns with the water wells." Instead, the agency's decision to deliver water was based on data points the EPA selected over years of Cabot sampling, the company said, "without adequate knowledge or consideration of where or why the samples were collected, when they were taken, or the naturally occurring background levels for those substances throughout the Susquehanna County area." "It appears that EPA selectively chose data on substances it was concerned about in order to reach a result it had predetermined," it said.

Tainted-Well Lawsuits Mount Against Gas Frackers Led by Cabot

BLOOMBERG NEWS SERVICE For 36 years, Norma Fiorentino drew water from a well near her home in Dimock, Pennsylvania. "It was the best water in town," she says. Then on Jan. 1, 2009, she says her well blew up. State regulators later blamed natural gas drilling by Cabot Oil & Gas Corp. for elevating methane levels in Dimock wells. Fiorentino and her neighbors sued, alleging Cabot's activities caused contamination and, in Fiorentino's case, an explosion that cracked a concrete cap into three pieces. Cabot has denied responsibility. The Dimock case, in federal court in Scranton, Pennsylvania, is among a batch of claims that aim to put hydraulic fracturing, the process that injects a mix of water, sand and chemicals underground to free gas trapped there, on trial. The suits could lead to payouts to plaintiffs and stricter government regulations, raising costs on an industry President Barack Obama says can boost the economy. "The plaintiffs bar is always looking for the next big thing," said Jennifer Quinn-Barabanov, a partner at Washington-based Steptoe & Johnson LLP, which has represented oil and gas companies. "There were a number of lawsuits filed, and now everyone is kind of waiting and seeing." The holdup is that plaintiffs' lawyers haven't been able to prove that chemicals injected thousands of feet underground migrate upward into drinking aquifers located just a few hundred feet below the surface, Quinn-Barabanov said. That's kept fracking from becoming the bounty for plaintiff's attorneys that, say, methyl tertiary-butyl ether, or MTBE, has been, she said. That gasoline additive has leaked into drinking water sources, leading to multimillion dollar settlements against companies including Chevron Corp. (CVX) and BP Plc (BP). Stuart Smith, a New Orleans-based plaintiffs' attorney, said the number of cases will increase as fracking expands into more populated areas and complaints grow. More drilling may also create new routes for the chemicals to migrate, he said. "Anyone that tells you this is not very risky and dangerous operation is not telling you the truth," Smith said in an interview. "You have a wildcat mentality where people are out there just fracking away."

Farmers ask court to block *bay* 'pollution diet'

ANNAPOLIS CAPITAL Farmers and home builders are asking a federal judge to block the Chesapeake Bay "pollution diet." In seeking a ruling in their favor, several farming and building organizations are arguing that the U.S. Environmental Protection Agency lacks the legal authority to force the pollution diet on state and local governments. The pollution diet is "arbitrary and capricious, an abuse of discretion, and in excess of EPA's statutory authority," attorneys for the groups wrote in a court filing on Friday. At the end of 2010, the EPA finalized the pollution diet, technically called a "total maximum daily load" or "TMDL." The diet sets pollution limits that must be met by states that drain into the Chesapeake Bay. The EPA can levy punishments such as withholding federal funding or assuming responsibility for issuing water pollution permits. Within weeks of the pollution diet's establishment, the American Farm Bureau Federation sued to block it. More farming groups joined the lawsuit. The National Association of Home Builders later filed its own lawsuit, which was combined with the farm organizations' lawsuit. "This plan directly encroaches on state authority over land and water quality planning - not only in states bordering the bay, but in states hundreds of miles away. EPA's action is not authorized under the (Clean Water) Act," the attorneys wrote. The farmers have criticized the computer models the government has relied on for estimating pollution loads and for figuring out how much pollution should be cut. The farmers have pointed out discrepancies between data used by the EPA and data used by the U.S. Department of Agriculture. EPA officials have defended their models and said any differences are slight and don't undermine the overall goal of restoring the health of the Chesapeake Bay. The EPA is expected to file its own request for judgment by March 27.

Minchew Tables Resolution On Ches Bay Constitutionality

LEESBURG TODAY Del. Randy Minchew (R-10) has withdrawn a resolution to request Attorney General Ken Cuccinelli to explore a challenge to the constitutionality of the federal Total Maximum Daily Load requirements. House Joint Resolution 129 was laid on the table by a House subcommittee last week at Minchew's request. The resolution maintained that the impending federal regulations "essentially constitute an unfunded mandate in violation of the 10th Amendment to the United States Constitution" and requested Cuccinelli's assistance in fighting the TMDLs. TMDL requirements have already begun causing heartache for localities, notably Loudoun County and the Town of Leesburg, with officials already positing that adhering to the new TMDL requirements on controlling phosphorus, sediment and nitrogen output could mean hundreds of thousands, or millions, of dollars in new capital expenses. Minchew said he has heard some of these concerns in his travels around the 10th District speaking to government officials. But, while he agrees that the problem is real, he said he decided to withdraw his resolution after speaking with the Attorney General's Office. The issue is already on Cuccinelli's radar screen. Minchew also said he didn't want his legislation to be misconstrued to give the impression that there shouldn't be protections in place to safeguard the Chesapeake Bay. "I do believe the Chesapeake Bay is a national treasure and needs to be cleaned up," he said. "[My concern] was more of a constitutional question of whether the commerce clause of the Environmental Protection Agency allows an unfunded mandate." Minchew said he fears the TMDL requirements are "more of a meat axe approach to protecting the bay when a more surgical approach may be more appropriate and certainly less burdensome on the localities." In addition to perhaps requiring additional taxpayer dollars to create new infrastructure, the TMDL requirements may also mean more building requirements could be placed on contractors, Minchew noted. He said he plans to continue to monitor the issue, although whether he will introduce a new House resolution in a future session remains unknown. Minchew said he could always ask the Attorney General for his opinion via a letter, not a formal resolution.

Green Infrastructure Should Be Option, Not Mandate, Rendell Says

BNA DAILY ENVIRONMENT REPORT Former Pennsylvania Gov. Edward Rendell says that states should not be required to incorporate green infrastructure into their planning for water and transportation infrastructure. "Green infrastructure should be made optional for states, not a mandate," he says. That is because not all localities are suitable for permeable pavement, tree-lined streets, bicycle lanes, and rain roofs. Rendell, who is the co-chairman of the nonprofit Building America's Future along with former Calif. Gov. Arnold Schwarzenegger and New York City Mayor Michael Bloomberg, says the group is advocating for a 10-year national plan for making strategic investments in the nation's infrastructure.

Hydraulic Fracturing: How Does a Natural Gas Well Get Drilled?

INTERNATIONAL BUSINESS TIMES Just what is hydraulic fracturing, the controversial natural gas drilling technique that has sparked a rush for natural gas in the U.S.? There are strong opinions on both sides. Industry players, such as the American Petroleum Institute and energy companies including Chesapeake and Cabot Oil & Gas, claim hydraulic fracturing holds the key to the nation's energy security by tapping into large reserves of fuel trapped underground. By drilling deep into the rock and then horizontally, one well can mine quantities of natural gas that multiple horizontal wells could not have. The drilling innovation, though, has led to fears that large swaths of land and water tables are subject to pollution risks. Grassroots opponents and The Natural Resource Defense Council say hydraulic fracturing causes pollution and the EPA has linked groundwater contamination to hydraulic fracturing draft study from Wyoming. EPA regulators are visiting and retesting water samples in Dimock, Pa, after water tests there prompted the EPA into action. EPA Administrator Lisa Jackson has testified before the U.S. Senate there are as of yet "no proven cases" that hydraulic fracturing causes groundwater contamination. So what does a horizontal hydraulic fracturing natural gas well look like? Variations abound depending on geography, but each well more or less matches this "anatomy." The following well design reflects a Barnett Shale gas well in North Texas.

PENNSYLVANIA

PHILADELPHIA INQUIRER

From Early Bird Marcellus Shale gas-drilling company says EPA used faulty pollution data In the latest salvo over Marcellus Shale gas drilling in the embattled town of Dimock, a natural gas company on Tuesday alleged that federal regulators had cherry-picked old test data to distort the amount of contamination in drinking-water wells. Cabot Oil & Gas Co., whose drilling was blamed for the pollution, said that the drinking-water tests the Environmental Protection Agency used to justify its Jan. 19 order to deliver fresh water supplies to four Dimock houses "do not accurately represent the water quality" and are inconsistent with the body of data collected at the residences. Cabot disputed the EPA's finding that the water well of one house had excessive levels of arsenic, a naturally occurring carcinogen. Cabot said none of the four houses had high levels of arsenic. It said the data that EPA cited apparently came from a test of a public water system, unrelated to well-drilling. Another house had elevated sodium levels, but Cabot said the EPA cited data from a 2008 test when the residence had in place a water-softening system, which treats water by adding sodium. Cabot said more recent tests showed less sodium than in the public water the EPA started delivering to the four residents last month by truck. "Based on this re-examination, it appears that EPA selectively chose data on substances it was concerned about in order to reach a result it had predetermined," the company said in a statement posted Tuesday on its website. Terri White, a spokeswoman for the EPA's regional office in Philadelphia, said the agency was reviewing Cabot's response and "will respond accordingly." Cabot's statement raises the stakes in a legal and public-relations battle over Dimock, which anti-drilling activists describe as ground zero in their effort to halt shale-gas development and hydraulic fracturing.

From Early Bird Commentary: Minimize drilling's threat to clean air Marcellus Shale natural-gas drilling is a significant source of air pollution, and as drilling expands, so will the risk to human health and the environment. The drilling, processing, and transportation of Marcellus Shale gas require many pieces of equipment and activities that release harmful pollutants into the air. In fact, gas transmission and production engines are the second-largest emitters of nitrogen oxides in Pennsylvania. Unfortunately, the full extent of these emissions is not known because the Pennsylvania Department of Environmental Protection does not collect air emissions data from wellhead activity. But we do know that this type of drilling has caused serious air-pollution problems elsewhere. In 2009, Wyoming for the first time failed to meet federal health-based standards for air pollution, primarily due to oil- and gas-related emissions. The Marcellus Shale air-pollution threat will only increase over time. As many as 60,000 wells may be drilled in Pennsylvania by 2030; right now, there are only about 4,500. Gas-drilling air pollutants - nitrogen oxides, sulfur dioxide, volatile organic compounds, carbon monoxide, hydrogen sulfide, particulate matter, and methane - can cause or exacerbate a variety of respiratory and other health-related conditions. These pollutants can also damage the environment. Nitrogen oxides and sulfur dioxide together are the major precursors to acid rain. Methane is a powerful greenhouse gas. Last month, I introduced legislation to address these problems. It would do three things: First, it would require the DEP to collect and publish air-emissions data. This will help the department estimate future emissions as well as the resources needed to properly regulate the drilling industry. This will also help the public better understand the air-pollution issues associated with Marcellus Shale drilling.

PITTSBURGH POST-GAZETTE

From Early Bird Peduto to mark street-light upgrade in person tonight Pittsburgh City Councilman Bill Peduto will stand on a Shadyside street tonight to mark a milestone lighting upgrade. By the end of February, Mr. Peduto said, the city will have completed the installation of about 3,000 energy-efficient LED street lights in its business districts. The work, which Mr. Peduto called a model for other municipalities to emulate, is supported by about \$800,000 in state grant money. Mr. Peduto hopes that all 40,000 of the city's street lights eventually will be converted to LEDs -- a move that he said would save \$800,000 to \$1 million annually and reduce carbon dioxide emissions by 12,700 tons a year. That's the equivalent of taking 3,800 cars off the road. Mr. Peduto said he'll stand at

Walnut and Bellefonte streets at 6:30 p.m. today to celebrate the lighting upgrade in the Shadyside business district and talk about how other municipalities can follow suit. He said details are on a website, pittsburghledproject.com, which goes live Wednesday. Installation of the LED lights began in December, but the project began in 2005, when Mr. Peduto convened a Climate Action Plan Task Force and put more efficient, less expensive lighting on the group's agenda.

From Early Bird Power plant developer given more time to review conditions Supervisors in Robinson, Washington County, on Monday night granted power plant developers an additional 15 business days to accept the 55 conditions included in a township approval. The board also voted to clarify some language in its Jan. 10 written decision, as requested by members of the public and power plant applicants Robinson Power Co. and Champion Processing Inc. "We weren't changing anything substantive," township attorney John Smith said. The developers have until about Feb. 14 to decide whether to accept the conditions or to appeal them. Failure to accept the conditions will cause the township to revoke its approval, Mr. Smith said. The Beech Hollow Energy Project plan includes two side-by-side power plants -- one fueled by waste coal and the other by natural gas -- near the North Fayette and Allegheny County borders.

Let's Talk About Birds: Peregrine falcons*This is one of a series presented by the National Aviary. The National Aviary works to inspire respect for nature through an appreciation of birds.* Over the next several months, residents and visitors of Pittsburgh will soon be catching glimpses of birds of prey circling the Gulf Tower and the Cathedral of Learning in Oakland as several pairs of peregrine falcons (*falco peregrinus*) head into nesting season in February and March.

When did 'climate change' and 'global warming' become 'clean energy'? (Today)

The phenomenon that dare not speak its name. What happened to "climate change" and "global warming"? The Earth is still getting hotter, but those terms have nearly disappeared from political vocabulary. Instead, they have been replaced by less charged and more consumer-friendly expressions for the warming planet. President Barack Obama's State of the Union address was a prime example of this shift. The president said "climate change" just once -- compared with zero mentions in the 2011 address and two in 2010. When he did utter the phrase, it was merely to acknowledge the polarized atmosphere in Washington, saying, "The differences in this chamber may be too deep right now to pass a comprehensive plan to fight climate change." By contrast, Mr. Obama used the terms "energy" and "clean energy" nearly two dozen times.

PITTSBURGH TRIBUNE REVIEW

From Early Bird Alle-Kiski Valley warms to La Nina Folks who have been enjoying mostly nice weather this winter have La Nina to thank. La Nina is a weather phenomenon off the Pacific Coast that lowers ocean levels and, unlike its counterpart El Nino, causes mild weather, according to Lee Hendricks a meteorologist at the National Weather Service in Pittsburgh. "This has been the kind of winter you expect from La Nina," he said. "You can always expect above-normal temperatures and above-normal precipitation." Hendricks said that the average temperature for January was 32.1 degrees, which is almost 4 degrees higher than normal for the month and almost 8 degrees higher than January 2011. "We had about 8.6 inches of rain for the month," he said. "We usually only see about 4 inches of rain in January." According to Hendricks, the winter has seen some relatively high temperatures so far, but it isn't on pace to be one of the 10 warmest ever.

EASTON EXPRESS TIMES - LEHIGH VALLEY LIVE

From Early Bird Curtis Specialty Papers gives rise to dreams of reuse for Milford couple Rob and Linda Castagna, owners of Chestnut Hill on the Delaware Bed and Breakfast Inn, called Monday for the Curtis Specialty Papers and Crown Vantage Landfill Superfund sites to be cleaned up to residential, not industrial, standards. "I don't want to see the tracks torn down," she said. "I'd love to see a trolley. "It's going to take a community to get involved. We need to do something special with it." The Castagnas would like to see the properties cleaned to the higher residential standards for a number of reasons. They include the sites' proximity to the borough's water well

and the Delaware River and a belief that the possibility of attracting industry to the site is virtually non-existent.

READING EAGLE

From Early Bird Environmental panel looking to fill vacancies The Reading Environmental Council is looking for members. The council was unable to reorganize at its meeting Tuesday because it lacked a quorum. City bylaws require seven members. The council currently has five and two, Ricardo Nieves and former Chairwoman Harriet Rauenzahn, were absent Tuesday. Rauenzahn plans to exit the board in August when her term expires. Chairman David Beane asked for names to fill vacancies. He said members do not have to be residents as long as they work in the city or have ties. Secretary Shelly Katzenmoyer said there is one candidate in the pipeline. The council also learned Tuesday that it might be getting some help with environmental ordinances from Alvernia University student Jonathan Wood. Wood would volunteer his time to do the work because he can use it for his thesis, but wants to check with his university adviser first.

HARRISBURGH PATRIOT NEWS

From Early Bird Cabot questions EPA's justification for delivering water to Dimock Cabot Oil & Gas, the gas drilling company accused of fouling water wells in the Susquehanna County town of Dimock, fired back at the Environmental Protection Agency Tuesday afternoon. The EPA recently announced it is conducting its own testing of water wells in Dimock, despite state environmental regulators' claim the water is safe to drink. The EPA also announced it will be supplying emergency water to four homes that had test results the agency deemed to be of concern. Tuesday afternoon, Cabot claimed at least two of those results came not from Dimock, but from the Montrose public water supply. That's the water the EPA is now trucking to Dimock. According to Cabot, the Montrose public water tests higher for arsenic and sodium than the water in Dimock. The EPA had no comment on those claims when contacted late Tuesday afternoon; a spokesperson said a comment would be forthcoming later. The Pennsylvania Department of Environmental Protection held Cabot responsible for methane migrating into 18 wells in Dimock, but the DEP steadfastly denied any drilling chemicals entered the aquifer. Subsequent independent testing by Duke University confirmed those findings. Some residents, however, believe otherwise and have petitioned the EPA to intervene.

From Early Bird Letter: Wildlife research grants are worth time and effort On Jan. 19, The Patriot-News reported a surgical 70 percent Corbett administration cut to the wildlife research grants funded by the Department of Conservation and Natural Resources. The excised projects were to study the impacts of climate change and shale gas activities on wildlife in Pennsylvania. The shortsighted and perhaps ideologically driven decision is an injustice to nature and the public. Scientists from many fields have repeatedly called for more study of these issues, not less. Beyond the intrinsic importance of conserving our wild plants and animals and their increasingly fragile habitats, certain species can serve as surrogate "canaries in the coal mine" in regard to risks to human health and well-being. Supporting research that enhances our understanding of complex issues and nurtures informed decision-making is an invaluable investment and one very much in our best interest. The environment --- which sustains everything and everyone ---deserves such inquiry

From Early Bird Letter: State has neglected research on fracking I, for one, have been willing to give the Corbett administration the benefit of the doubt on the subject of whether they will fairly regulate the production of Marcellus Shale gas. Corbett has said repeatedly that his administration will regulate drilling based on sound scientific principles. But a recent report by WITF's StateImpact Pennsylvania shows a pattern of diminished funding and outright defunding of scientific research that would show us how Marcellus drilling is impacting our precious natural resources. Just when we need good information on the impact that fracking and disposing of wastewater is having on our environment, DCNR and other state agencies are slashing the funding for this research. After reading this thoroughly researched report by an objective source, one is forced to wonder if the state's oil and gas industry didn't get exactly what it paid big bucks for in the last election --- a governor and administration that will bend to its every whim.

SCRANTON TIMES-TRIBUNE

From Early Bird Cabot raises new questions about EPA data in Dimock Cabot Oil and Gas Corp. sharply criticized federal regulators' rationale for investigating a potential link between the company's natural gas operations and contamination in Dimock Twp. water supplies on Tuesday, saying the government selectively cited or misinterpreted past water quality data to justify its probe. The statement was Cabot's fifth in less than two weeks seeking to raise doubts about an ongoing investigation renewed in December by the Environmental Protection Agency that involves widespread water sampling in the Susquehanna County township where Cabot has drilled dozens of Marcellus Shale natural gas wells. The EPA is providing replacement drinking water supplies to four homes where water tests taken by Cabot, the state and others raised health concerns the agency said range from "potential" to "imminent and substantial" threats. It is also performing comprehensive water tests on as many as 66 wells in a 9-square-mile area of Dimock. In its statement Tuesday, Cabot said the data shows there are "no health concerns with the water wells." Instead, the agency's decision to deliver water was based on data points the EPA selected over years of Cabot sampling, the company said, "without adequate knowledge or consideration of where or why the samples were collected, when they were taken, or the naturally occurring background levels for those substances throughout the Susquehanna County area." "It appears that EPA selectively chose data on substances it was concerned about in order to reach a result it had predetermined," it said.

ERIE TIMES-NEWS

From Early Bird A winter without ice fishing in Erie? It might happen A milder winter has kept Presque Isle Bay and its adjacent waters mostly devoid of ice. That's meant no ice-fishing season -- and no ice-fishing tales. Presque Isle State Park Ranger Dan Powell misses that aspect of his job this winter. Powell recalls being dispatched to Misery Bay in January 2011 to handle a report of two elderly men arguing over who should fish a particular hole in the ice. "It reminded me of the movie 'Grumpy Old Men,'" said Powell, 50, a park ranger for 14 years and a lifelong Erie-area resident. "You know how I settled it," he said laughing. "I told them, 'This is my hole in the ice, go somewhere else.' They walked away as buddies, cussing about me taking their ice hole away. You can't make up this stuff." Gazing at Presque Isle Bay and Lake Erie and seeing open water at this time of the winter season is an odd sight to Powell. "I don't think we're going to have an ice-fishing season," he said. "I don't ever remember a season where we don't have ice on the bay like we do now." Neither does Al Nacopoulos, co-owner for 40 years of B.A.C. Bait and Tackle on Peninsula Drive. "This is the first time we've had a January like this with no ice and this kind of weather," Nacopoulos said. "It's amazing." Tuesday's sunshine and springlike temperatures relegated Nacopoulos to handling paperwork inside his business. "I open late and close early," he said. Nearly every day, Nacopoulos says, he receives calls from out-of-town anglers inquiring about Presque Isle Bay's ice conditions. "I tell them we have no ice and they don't believe me," Nacopoulos said. "They ask me for phone numbers of other bait and tackle shops, and I say, 'You can call the pope, there's still no ice.'" Powell estimated Presque Isle Bay was populated by as many as 500 people ice fishing per day on the weekends and 150 to 200 per day on weekdays during January and February 2011.

ASSOCIATED PRESS (Pa.)

From Early Bird Driller says EPA cherry-picking data in Pa. probe DIMOCK, Pa. (AP) - A natural gas driller says the Environmental Protection Agency is cherry-picking the data used to justify testing of dozens of residential water wells in a northeastern Pennsylvania town at the center of a political fight over water contamination. Cabot Oil & Gas Corp. says regulators also misinterpreted water quality tests in justifying an investigation into water quality in Dimock. The Times-Tribune of Scranton (<http://bit.ly/xfE5M3>) reports the company's statement Tuesday say there are no health concerns related to the wells being tested by the EPA. Earlier this month the agency began delivering replacement drinking water to four homes where owners complain Cabot tainted their wells with methane and toxic drilling chemicals. Cabot provided replacement water to those homes and others under a consent order but stopped after the state said the company had met its obligations. It denies polluting the water.

Landowners fight eminent domain in Pa. gas field LAPORTE, Pa. — A pipeline operator assured federal regulators it would minimize using eminent domain against private landowners if given approval to lay a 39-mile natural gas pipeline in northern Pennsylvania's pristine Endless Mountains. Yet the company was readying condemnation papers

against dozens of landowners even as the Federal Energy Regulatory Commission was considering its application for the \$250 million MARC 1 pipeline. Within two days of winning approval, Central New York Oil & Gas Co., LLC went to court to condemn nearly half the properties along the pipeline's route — undercutting part of the regulatory commission's approval rationale and angering landowners who are now fighting the company in court. ... Deborah Goldberg, an attorney for the environmental group Earthjustice, said the large number of condemnations suggests that the pipeline company "never made a serious effort to get negotiated agreements with the landowners that the landowners thought were fair." Earthjustice has intervened in the pipeline challenge. Goldberg suggests the pace of settlements quickened because condemnation takes leverage away from the property owner.

PHILLYBURBS.COM

Commentary: Officials fiddle while ancient gas lines explode In the early morning hours of Dec. 8, 1968 a natural gas explosion tore through the Paris Inn, 907 W. Lincoln Highway, Middletown Township, leveling the building. Killed were Andrew DiPietro and his mother Adeline. Andrew's two sons, ages 10 and 12, along with their mother, Elia, survived the blast. The DiPietro family operated a family tavern and restaurant at this location for many years. Having been a patron over the years, I came to respect and admire them for their values and work ethic. They were a great American family. The passing of those 43 years has not dimmed this tragedy. Since the destruction of the Paris Inn and the death of the DiPietros, I would have hoped that America's utilities and regulatory agencies both state and federal would have taken a more proactive safety approach to the distribution and safe handling of natural gas. Sadly, it's been business as usual and the public be damned. Their miserable record of safety speaks volumes.

YORK DISPATCH

Miller to chair Chesapeake Bay Commission's Pa. delegation

State Rep. Ron Miller has been tapped to serve as the Pennsylvania chairman of the tri-state Chesapeake Bay Commission. Miller, entering his second year on the commission, will lead the seven-person delegation from Pennsylvania. Maryland and Virginia also have delegations involved, with each state's members advising their respect general assemblies on issues regarding the bay. Sen. Mike Waugh, also of York County, will also serve. Miller said the bay doesn't physically touch the Pennsylvania border, but is still important to tourism and industry in the area, as the Susquehanna River provides much of the water to the Chesapeake Bay. "We have a major impact," Miller said. The commission will be examining fertilizer application use by homeowners, golf course operators and other non-farmers to see how to make sure it's done properly without excess runoff. They'll also at some point look at the Marcellus shale's impact on the bay, Miller said. Miller will also serve as vice chairman of the overall commission.

BEAVER COUNTY TIMES

NFG cuts rates in Pa. for 2nd straight quarter About 214,000 customers of National Fuel Gas Distribution Corp. in northwestern Pennsylvania will be paying less to heat their homes _ for the second straight quarter. The Buffalo, N.Y.-based utility cut its gas rates by 8.2 percent last quarter and has cut them 9.8 percent for the quarter that began Wednesday. The company says in a statement that drilling in the Marcellus shale formation has boosted supply and lowered prices, which suppliers are required to pass along to consumers. National Fuel Gas serves customers in 14 northwestern Pennsylvania counties. The average household customer, who pays for steady gas use year-round, will see their monthly bill fall from \$84.92 to \$76.59. Those customers were paying an average of \$92.51 before the first rate cut on Nov. 1. NFG rates were 10.2 percent higher at this time last year.

POTTSTOWN MERCURY

Area counties shares hazardous waste collection award

NORRISTOWN — Montgomery County is sharing an award with surrounding counties for a 14-year-old hazardous waste disposal program. According to the county's Office of Communications, the Regional Southeastern Pennsylvania Household Hazardous Waste Drop-Off Program — consisting of Montgomery, Philadelphia, Bucks, Chester, Delaware counties — was named the 2011 Longstanding Program Excellence award winner by the North American Hazardous Materials Management Association. In 2010, the regional program collected about 3 million

pounds of household hazardous waste and electronics from nearly 30,000 households. Since 2004, the program has nearly doubled the amount of material collected and the number of households participating.

WASHINGTON, D.C.

WASHINGTON POST

From Early Bird Blog: Coal's not dying, it's moving abroad The U.S. is burning less and less coal each year, thanks to cheap natural gas and new pollution rules. From a climate perspective, that's a huge deal — less coal means less carbon. But here's the catch: if the U.S. just exports its unused coal abroad, the end result could actually be *more* carbon. Coal use in the United States really does appear to be waning. In 2000, the country got 52 percent of its electricity from coal. In 2010, that dropped to 45 percent. By 2030, the government expects that to fall to 39 percent. And even that's probably over-optimistic. Upcoming EPA rules to crack down on things like leftover coal ash waste and greenhouse-gas emissions could make life even more difficult for U.S. coal-plant operators. Indeed, one Deutsche Bank analysis predicted that coal's share of electricity generation would plunge to a mere 22 percent by 2030, largely supplanted by cleaner natural gas, solar and wind. If that scenario actually transpired (and, admittedly, it's a bet that natural gas prices will remain low for a long while), it would make a huge difference for America's global-warming contributions. Deutsche Bank estimates that carbon pollution from the electricity sector would drop 44 percent below 2005 levels — that's about a 16 percent cut in *all* U.S. emissions. And that's without Congress even passing a climate bill.

From Early Bird Scientists on verge of entering Vostok, Antarctica's biggest subglacial lake After drilling for two decades through more than two miles of antarctic ice, Russian scientists are on the verge of entering a vast, dark lake that hasn't been touched by light for more than 20 million years. Scientists are enormously excited about what life-forms might be found there but are equally worried about contaminating the lake with drilling fluids and bacteria, and the potentially explosive “de-gassing” of a body of water that has especially high concentrations of oxygen and nitrogen. To prevent a sudden release of gas, the Russian team will not push the drill far into the lake but just deep enough for a limited amount of water — or the slushy ice on the lake's surface — to flow up the borehole, where it will then freeze. Reaching Lake Vostok would represent the first direct contact with what scientists now know is a web of more than 200 subglacial lakes in Antarctica — some of which existed when the continent was connected to Australia and was much warmer. They stay liquid because of heat from the core of the planet.

From Early Bird Where We Live : 7 tips for 'greening' your home Amanda Thomas, an associate at the Washington office of global architecture firm Gensler, consults on sustainability issues for universities, law firms, restaurants and other large commercial clients on how to build and maintain LEED silver spaces (the firm has designed for George Washington University, George Mason University, the GSA headquarters and the law firm McDermott Will & Emery). So when it came time for Thomas to green her own home — a 1,258-square foot townhouse near Eastern Market that she closed on last October — she relied on the same concepts she recommends for clients, but scaled them down for a single-family residence. She let *Where We Live* into her home last week to share easy, inexpensive tips on how to make your home more energy-efficient, whether you own or rent:

WASHINGTON TIMES

HBO crew briefly shuts down Hill hearing

An unaccredited film crew with cable giant HBO briefly shut down a House subcommittee hearing on Wednesday morning as Republicans and Democrats argued over whether to allow recording of the event. Rep. Brad Miller, North Carolina Democrat and the ranking minority member on the Committee on Science, Space and Technology subcommittee on energy and the environment, made a motion to allow cameras from the HBO documentary team to tape the hearing, which centers on the Environmental Protection Agency's probe into charges that drilling companies may have contributed to groundwater contamination in Pavillion, Wyo. Rep. Andy Harris, Maryland Republican, who is the subcommittee chairman, opened the hearing by saying that all video-recording requests must be filed in

advance and that since the HBO team apparently didn't follow that protocol, they were barred from the event.

THE HILL (DC)

Hoyer: Keystone XL cannot be rushed The Keystone XL oil pipeline "has merit" but shouldn't be approved without thorough study, Rep. Steny Hoyer (D-Md.) argued Tuesday. The Democratic whip warned that if Republicans force expedited approval of the controversial pipeline in either the payroll tax package or a looming infrastructure bill — as they're threatening "I personally believe it has merit, but I don't believe that we ought to put the administration in a position where they can't consider it in a fashion that is provided for under the law," Hoyer told reporters in the Capitol. "If you are trying to jam the president on this consideration ... then I think Democrats would generally oppose it," he added. "This is an issue — not just this pipeline, any pipeline — that is subject to certain procedures to consider whether or not it is appropriate."to do — most Democrats will oppose it.

DELAWARE

WILMINGTON NEWS JOURNAL

From Early Bird US names Atlantic sturgeon to endangered species list The Delaware River's near-mythical Atlantic sturgeon won endangered species protection Tuesday, a move reflecting the big and long-lived bottom feeder's century-long slide from fishing industry mainstay to rarely seen victim of pollution, overfishing and habitat loss. The federal listing could complicate the Delaware River main channel deepening project in areas where sturgeon spawn, feed and once teemed. It also could lead to designation of some upriver areas as critical habitat requiring special attention. Members of the Delaware Riverkeeper conservation group warned hours after the announcement that they would work to "ensure that the project does not jeopardize the continued existence of any Atlantic sturgeon" and said that the subgroup species found in Delaware is "presently in danger of extinction." The National Marine Fisheries Service ruling covered four populations of sturgeon, including the New York bight group that includes the Delaware River, the Chesapeake Bay, the Carolina coast and South Atlantic. A fifth group, in the Gulf of Maine, were listed as threatened.

CAPE GAZETTE

From Early Bird Lewes awards first Bay Avenue bids Lewes — Lewes Board of Public Works has approved bids for Bay Avenue sewer line construction, at \$3 million, the largest project of its type ever undertaken in the city. The project includes new water lines and street resurfacing. The board BPW and City of Lewes are splitting the project's cost. The project's first construction contracts were awarded Jan. 11 at Lewes City Hall. The board accepted an \$806,000 bid from B. Frank Joy LLC, for construction of lateral sewer lines. The Hyattsville, Md.-based company also submitted a \$297,000 contingency bid for possible work on private property that would be paid by individual homeowners. A \$208,000 contract for the sewer system main pipeline has been awarded to Insituform Technologies Inc., an Ageon Corp. Insituform's Baltimore office is handling the Lewes job. The company operates offices throughout the United States and Europe. URS Corp., a consulting firm used by BPW, reviewed bids. Both companies will use cured-in-place pipe or CIPP technology, which doesn't require a trench and causes minimal disruption. The method uses a sleeve, which is inserted into the existing pipeline. Material to form the new pipeline is pumped into the sleeve; the end product is a seamless pipe certified to have a 100-year service life.

From Early Bird Rehoboth board refuses to hear Silver Lake appeal Rehoboth Beach — The Rehoboth Beach Board of Adjustment voted 3-1 against holding a hearing on whether to suspend a building permit for a house on Silver Lake. The city commissioners' room was standing room only as citizens came out to hear an appeal of building inspector Terri Sullivan's decision to grant a building permit for a house at 6 Silver Lane. The house, being built for the Levy family, raised the ire of neighbors and city advocates because its foundation appeared to be rising

out of the lake. At issue, however, was whether the appellants, represented by attorney Gene Lawson, filed the appeal in a timely matter. Board solicitor Craig Karsnitz said per the board's rules, appeals of building permits must be filed within 30 days unless the appellant could show good cause for why an extension is needed. Board Chairman Thomas Evans said if the board agreed good cause was shown, the board would have heard the case. Scott Wilcox, attorney for the Levys, said Lawson's clients - the neighboring property owners, Save Our Lakes Alliance³, neighbor Marti Cochran and the Rehoboth Beach Homeowners' Association - had plenty of time to file an appeal, since construction began on the house in July. The appeal was filed in late November.

From Early Bird Pennsylvania man develops simple, safe solution for stink bugs They're everywhere. They buzz around your head, crash into walls and lights, drop to the floor - and are up again, seemingly unfazed, to continue their rampage. Not only are these brown marmorated stink bugs a nuisance, they are also a menace, destroying crops across the Mid-Atlantic region. But thanks to a building contractor from Chester Springs, Pa., who developed The Stink Bug Inc. kit, people can end this plague to everyone's satisfaction, except, of course, the bugs'. Tested by Rutgers University and written up in the Wall Street Journal, Stink Bug Inc. is finally capturing these stowaways from Asia. First documented as aliens 15 years ago, the bugs seem to have invaded the region in the last two years or so. They have found their way into every nook and cranny of residents' lives from Pennsylvania, New York and Connecticut to Maryland, Delaware and West Virginia. They feast on crops in the spring and look for warmth and comfort in the winter. The U.S. Department of Agriculture claims they were responsible for \$37 million of damage to apple crops alone in 2010. Expensive exterminators spray toxic chemicals, causing concern for families and pets, and the treatments are barely effective. Brian McCausland, who specializes in commercial contracting, has come up with a simple solution called Stink Bug Inc. It's safe and easy to use, and will capture most indoor stink bugs. "I invented the solution out of necessity and frustration," says McCausland. "My children would scream in the middle of the night when these bugs landed on their faces while they were sleeping. My windows were literally crawling with them. If we tried to catch them, the odor left behind was disgusting. I studied them day and night, and researched their background and behavior. I was determined to keep my product safe for my family and the environment. The stink bugs are attracted to the light and the nontoxic, pheromone-free proprietary solution. They land in the bowl and die within seconds. McCausland partnered with Donna McCafferty & Co., an advertising and design firm known for image and branding, to help produce and market the solution. Together they formed Stink Bug Inc. The kit is produced in Bucks County, Pa. Stink Bug Inc. retails for \$10 and can be ordered online at StinkBugInc.com. Contact Donna McCafferty with questions or to schedule an interview. The Stink Bug Inc. website also includes a free tutorial.

DOVER POST

Offshore wind farms could generate more than enough energy to meet Maryland's annual needs
Offshore wind farms could generate more than enough energy to meet Maryland's annual electricity consumption, according to a just-published study by researchers at the University of Delaware. The potential power output is nearly double current energy demands for the state, even when taking into account various limitations on where to place equipment in the Atlantic. "Installing wind turbines far off the coast of Maryland would help the state generate large quantities of electricity while creating local jobs," said study co-author Willett Kempton, professor of marine policy in UD's College of Earth, Ocean, and Environment (CEOE). "Producing more electricity this way also displaces fossil fuel generation, thus reducing harmful carbon dioxide emissions and improving air quality."

WEST VIRGINIA

CHARLESTON GAZETTE

From Early Bird Blog: Will W.Va. prepare for a post-coal future? We've written before about the proposal from the good folks at the West Virginia Center for Budget and Policy for a long-term trust fund to prepare our state for

the day the coal and natural gas run out ... well, today, the center has a new report out that discusses this notion in much more detail. They conclude:

State sees changes on USDA grow map

MORGANTOWN, W.Va. -- West Virginia gardeners may be tempted to try some new varieties this growing season, based on the U.S. Department of Agriculture's just-released growing map. The so-called Plant Hardiness Zone Map is a breakdown of annual minimum temperature averages that occur in a region over several decades. The new growing map is the first update in more than 20 years. West Virginia University extension agent John Porter said while the changes are small, the southern portion of the state could provide conditions for new varieties of flowers or vegetables. For instance, the Kanawha County agent says he has been growing a plant used to make black and green teas in China. His property falls in what the USDA calls Zone 7a on the grow map.

CUMBERLAND TIMES-NEWS (Md.)

From Early Bird Keyser council: Dunn to design new SBR plant KEYSER, W.Va. — Dunn Engineering Inc. has been given approval from Keyser City Council to proceed with the design process for the new wastewater treatment plant on Waxler Road. The council approved a Sequencing Batch Reactor plant at a preliminary cost of more than \$26 million, according to Mayor Randy Amtower. This cost may be slimmed down as the project progresses, according to a previous Times-News article. Amtower said Dunn Engineering possesses the most experience with the SBR system, and that the plant itself bears a history of success. "The Sequencing Batch Reactor system has a proven track record for being compliant with the Chesapeake Bay restoration requirements," said Amtower. Funding will likely be drawn from available lottery revenues that are bonded out, according to Amtower. "Preliminary estimates as of a year ago estimated that the funding would be 42 percent," said Amtower. "However, they can change that number. It can fluctuate." Once the design is complete, the process is then reviewed for funding, said Amtower. "We need to find out what portion is ours. We met with bond council and are still working to fix issues from old bonds that were from the previous administration," said Amtower. The new plant must be online by the end of 2015 in order to be in compliance with Chesapeake Bay restoration mandates.

ASSOCIATED PRESS (W. Va.)

From Early Bird Tomblin proposes coal mine safety measures CHARLESTON, W.Va. -- West Virginia would require coal operators to tamp down further on methane gas and coal dust levels as part of the mine safety bill from Gov. Earl Ray Tomblin this session. Tomblin's proposal would also follow the lead of neighboring Kentucky and Virginia by mandating drug testing for miners. It also seeks to ensure that would-be whistleblowers can contact state officials anonymously, and calls for reviews of available training for miners and inspectors. The House of Delegates received its version of the bill Tuesday, while the Senate version debuted Monday. Several of the provisions respond to the 2010 explosion at the Upper Big Branch mine in Raleigh County. In the worst U.S. coal mining disaster in four decades, 29 miners died after explosive methane gas and coal dust built up in the underground mine. Then-Gov. Joe Manchin commissioned J. Davitt McAteer to investigate Upper Big Branch. The head of the U.S. Mine Safety and Health Administration during the Clinton administration, McAteer said he's been asked to review both Tomblin's bill and a mine safety proposal introduced earlier this session by House Speaker Richard Thompson and others. McAteer is scheduled to discuss both bills during a Feb. 7 meeting of the House Judiciary Committee. McAteer said Tuesday that hopes to explain that any meaningful mine safety proposal must address the issue of responsibility.

From Early Bird MSHA focus shifting to surface mine safety in 2012 CHARLESTON, W.Va. -- Federal mine inspectors will soon refocus enforcement efforts on violations of 14 safety standards that the Mine Safety and Health Administration says are commonly behind accidents and fatalities. Eleven of the regulations relate to surface mining, agency director Joe Main said Tuesday in announcing the third phase of the agency's ongoing "Rules to Live By" initiative. The need to shift attention became clear late last year, Main said, when a string of accidents at surface mines caused five deaths in 41 days. Although 2011 was the second-lowest year on record for fatalities, Main said surface mines accounted for two-thirds of the total. Officials said 37 mine-related deaths were reported last year,

including 12 at coal mines on the surface and 11 at metal and nonmetal surface mines. Only nine occurred at underground coal mines and five at underground metal or nonmetal mines

MARYLAND

BALTIMORE SUN

From Early Bird It's official: Atlantic sturgeon 'endangered' The federal government declared Tuesday that it's formally listing most Atlantic sturgeon along the East Coast — including in the Chesapeake Bay — as endangered, providing new legal protection for the big, prehistoric-looking fish believed to be at risk of extinction. Acting on a petition by the Natural Resources Defense Council, the National Oceanic and Atmospheric Administration's fisheries service classified four populations of sturgeon from New York to Florida, including the bay's, as endangered. A fifth group in the Gulf of Maine was labeled threatened, a lesser stage of rarity.

County Council member Lehman, Del. Frush pushing for disposable bag fee in Prince George's County Laurel's County Council member Mary Lehman and state Del. Barbara Frush are pushing for a law that would require Prince George's County shoppers to pay a fee for disposable bags. Both lawmakers, who are Democrats, say the bag fee is an environmental initiative aimed to reduce the use of disposable bags, which are not often properly recycled and end up as litter. "To me, if we get to enact this fee, we will be successful if we collect no revenue at all," Lehman said.

ANNAPOLIS CAPITAL

From Early Bird Farmers ask court to block bay 'pollution diet' Farmers and home builders are asking a federal judge to block the Chesapeake Bay "pollution diet." In seeking a ruling in their favor, several farming and building organizations are arguing that the U.S. Environmental Protection Agency lacks the legal authority to force the pollution diet on state and local governments. The pollution diet is "arbitrary and capricious, an abuse of discretion, and in excess of EPA's statutory authority," attorneys for the groups wrote in a court filing on Friday. At the end of 2010, the EPA finalized the pollution diet, technically called a "total maximum daily load" or "TMDL." The diet sets pollution limits that must be met by states that drain into the Chesapeake Bay. The EPA can levy punishments such as withholding federal funding or assuming responsibility for issuing water pollution permits. Within weeks of the pollution diet's establishment, the American Farm Bureau Federation sued to block it. More farming groups joined the lawsuit. The National Association of Home Builders later filed its own lawsuit, which was combined with the farm organizations' lawsuit. "This plan directly encroaches on state authority over land and water quality planning - not only in states bordering the bay, but in states hundreds of miles away. EPA's action is not authorized under the (Clean Water) Act," the attorneys wrote. The farmers have criticized the computer models the government has relied on for estimating pollution loads and for figuring out how much pollution should be cut. The farmers have pointed out discrepancies between data used by the EPA and data used by the U.S. Department of Agriculture. EPA officials have defended their models and said any differences are slight and don't undermine the overall goal of restoring the health of the Chesapeake Bay. The EPA is expected to file its own request for judgment by March 27.

From Early Bird Environmental think tank opens in Annapolis With enough "thank-you" speeches to rival the Academy Awards, officials celebrated the opening of an environmental think tank in Annapolis Monday afternoon. The National Socio-Environmental Synthesis Center's goal is to use new approaches to solve environmental problems. The center is led by Margaret Palmer, a Davidsonville resident and University of Maryland scientist. Scholars will spend days and sometimes weeks at the center's Park Place offices. The center doesn't have labs, and there won't be any experiments. Rather, scholars will use computers to re-crunch "existing but underused" data - a form of science called "synthesis research." There also will be a strong focus on bringing together different types of scientists who may not normally work together, including social scientists. Palmer said she's also interested in

getting decision-makers involved earlier. Often, scientists give presentations to politicians and regulators who may or may not heed the scientific information. It would be more useful, Palmer said, for scientists to understand early on the questions that politicians and regulators have. The center has hosted workshops and will soon select its first group of scholars, who will come to Annapolis in the spring to study "ecological wealth."

From Early Bird Students to lobby for bay restoration ANNAPOLIS — About 140 county students plan to lobby state lawmakers to increase Maryland's flush fee, place tighter restrictions on septic systems and limit sprawl development, the Chesapeake Bay Foundation said. The students plan to participate tomorrow in the annual Lobby Day in Annapolis. Aimee Poisson, the county school system's administrator for student leadership development, said students typically have lobbied for student-related issues, but also have decided to speak out on environmental issues. The Maryland Association of Student Councils chose the Chesapeake Bay Foundation as its Charity of the Year last year. The students are urging lawmakers to increase the Bay Restoration Fund, also known as the flush fee. The fund is used to upgrade sewage plants, septic and stormwater systems, which are key sources of Chesapeake Bay pollution.

SALISBURY DAILY TIMES

From Early Bird State of state is addressed Today at noon, Gov. Martin O'Malley will deliver his 2012 State of the State speech. The governor will, of course, shine a positive light on his subject. Some aspects of that optimism will be well-deserved, but others, not so much. It's been a difficult year, especially when it comes to the budget. O'Malley overcame a gap of \$1 billion for fiscal year 2013. The good news is he did it by trimming nearly \$800 million from the budget, and he may mention that his administration is responsible for six years of reductions that add up to \$7.5 billion --the "most of any six-year period in Maryland's history," according to his blog at www.governor.maryland.gov/blog. The bad news is that does not necessarily mean the overall budget is \$7.5 billion less than it was six years ago. Some of that has been accomplished through changes in priorities. For example, his FY 2013 budget changes the way teacher pensions are funded, shifting 50 percent of the cost to local school districts --23 counties plus Baltimore City. In return, the state will pick up half the cost of teachers' Social Security match to produce a net savings to the state while placing an additional burden on already-stressed county budgets...Then there are the more difficult areas. The Chesapeake Bay, for example, and PlanMaryland, which may play well in some parts of the state but not so much on the Eastern Shore, where many believe the state government has declared war on rural Maryland. At issue are state efforts to preserve farmland for agricultural use and use of state aid to direct growth and development into specified areas near metro corridors and thus avoid sprawl --all perceived as taking planning authority away from local jurisdictions and placing it in state hands.

FREDERICK NEWS POST

From Early Bird Bryan Voltaggio to appear on MPT next week

Maryland Public Television will air Obsessed with Everything Food: A Living Magazine featuring Chef Bryan Voltaggio next week, according to a press release from MPT. The program features him cooking at his restaurant, touring some of his favorite culinary spots across the state, a visit to a local food farm, steamed crabs prepared Maryland waterman's way, a recipe for Chesapeake Bay blue crab rolls created by Voltaggio and a stop at Flying Dog, according to the press release. The half-hour program is scheduled to air at 8 p.m. Feb. 7, and Voltaggio is scheduled to appear live in MPT's studio for the on-air premiere. Additionally, the program lays the groundwork for a potential series following Voltaggio across America in search of regional favorites, according to the press release.

CUMBERLAND TIMES-NEWS

From Early Bird Keyser council: Dunn to design new SBR plant KEYSER, W.Va. — Dunn Engineering Inc. has been given approval from Keyser City Council to proceed with the design process for the new wastewater treatment plant on Waxler Road. The council approved a Sequencing Batch Reactor plant at a preliminary cost of more than \$26 million, according to Mayor Randy Amtower. This cost may be slimmed down as the project progresses, according to a previous Times-News article. Amtower said Dunn Engineering possesses the most experience with the SBR system, and that the plant itself bears a history of success. "The Sequencing Batch Reactor

system has a proven track record for being compliant with the Chesapeake Bay restoration requirements,” said Amtower. Funding will likely be drawn from available lottery revenues that are bonded out, according to Amtower. “Preliminary estimates as of a year ago estimated that the funding would be 42 percent,” said Amtower. “However, they can change that number. It can fluctuate.” Once the design is complete, the process is then reviewed for funding, said Amtower. “We need to find out what portion is ours. We met with bond council and are still working to fix issues from old bonds that were from the previous administration,” said Amtower. The new plant must be online by the end of 2015 in order to be in compliance with Chesapeake Bay restoration mandates.

WBAL RADIO

From Early Bird O'Malley To Talk Taxes, Jobs In State Of State Governor Martin O'Malley delivers his annual State of the State Address to a joint session of the Maryland General Assembly today. Aides say the governor was still writing the speech Tuesday night. The governor is expected to talk about job creation, including his explanation of a proposed sales tax on gasoline, with the money to be used for road and bridge projects. The governor has maintained that an increase in the gasoline tax would fund projects that would create construction jobs. This week, the governor outlined an alternative which would impose the 6% sales tax on gasoline purchases over a three year period, with language in the bill that would halt tax collections if gas prices spoke.

ASSOCIATED PRESS (Md.)

From Early Bird Farm Bureau seeks summary judgment in *bay* suit BALTIMORE - The American Farm Bureau Federation is asking a federal judge to toss out the federal Environmental Protection Agency's Chesapeake Bay restoration strategy before its suit challenging the effort goes to trial. The federation filed a motion in U.S. District Court in Pennsylvania seeking summary judgment in its favor, arguing the EPA has overstepped its authority by mandating the states develop and stick to tougher pollution limits. "The agency cannot usurp authorities reserved solely for the states, nor create new authorities with no statutory basis," the federation argued in the motion filed Friday, saying the strategy is not authorized under the Clean Water Act. The American Farm Bureau Federation sued the EPA last year over the stricter federally led effort and other groups have since joined the challenge. Critics say it is too far-reaching and will burden states with huge costs. The Chesapeake Bay Foundation, other environmental organizations and associations representing sewer authorities have sided with the EPA. The farm organization also argues the model used to develop the strategy is flawed and the public was not given enough time to comment on, or information about the new strategy. Farmers and agriculture interests are concerned about the strategy because agriculture is the single largest source of bay pollutants, according to the EPA's Chesapeake Bay model. While agriculture has made gains in reducing bay pollution, the strategy calls for even more reductions from all sectors. The strategy subjects the six states in the bay watershed to limits for how much sediment and runoff can come from each area. Pollutants such as nitrogen and phosphorus from fertilizer, auto and power plant emissions cause oxygen-robbing algae blooms once they reach the bay, creating dead zones where sea life can't live. AFBF President Bob Stallman said his group supports bay restoration but not the EPA's strategy. "This lawsuit is about how we reach that common goal. Farm Bureau believes EPA's new regulation is unlawful and costly without providing the environmental benefit promised," Stallman said.

From Early Bird Princess Anne students raising oysters to help restore Chesapeake, hope to win Disney trip CRISFIELD, Md. — Princess Anne Elementary School students are raising oysters this winter to help restore the Chesapeake Bay, and maybe win a trip to Disney World. The students are raising oysters in cages at Janes Island State Park in Crisfield. The Department of Natural Resources provided cages and baby oysters, also known as spat, for the project after the students gave a presentation to park rangers. Teacher Kolby Noble told The Daily Times of Salisbury that the oysters are being raised as part of their project for this year's Disney Planet Challenge. Winners of the competition receive \$10,000 for their school and a trip to Disney World. The students are also collecting oyster shells from restaurants to help build new oyster reefs and are raising money for the Chesapeake Bay Foundation.

Bay Scientists Urge Caution on Nutrient Trading ANNAPOLIS, Md. - An environmental group is urging caution in developing a nutrient trading program to cut Chesapeake Bay pollution. Nutrient trading allows polluters to buy

credits for reductions made by others. The concept has been proposed to limit pollution from nitrogen and phosphorus, so-called nutrients that fuel oxygen-robbing algae blooms in the bay. The pollutants come from sources including sewage, fertilizer, auto and power plant emissions. Some states in the bay watershed have individual nutrient trading programs and a regional program has been proposed to help cut bay pollution. A new report by the Senior Scientists & Policymakers for the Bay says the concept has promise, but must be vigorously monitored to guard against fraud and ensure large traders don't have an advantage over smaller groups.

WBAL-TV

Parents Concerned Over School Air Quality **BALTIMORE** -- Many parents at an Anne Arundel County school are questioning whether their students are getting sick while they learn. School district leaders, parents and staff met Tuesday night at Edgewater Elementary School to discuss concerns over the aging school's air quality. Edgewater is nearly 60 years old, but it has yet to undergo a major renovation. The suspicion is that there is an unhealthy air atmosphere and environment in this school," said Parent-Teacher Association President Jenny Corkhill, who is one of dozens of parents who have voiced concerns about the school's air quality. Students and staff have been complaining about asthma allergies and a range of health problems. "You can tell there's a musty smell in some of the classrooms. There are buckling ceiling tiles. All of those things lead you to believe there's dampness in the school, which is a ripe atmosphere for mold," Corkhill said. District officials said they initiated two environmental assessments this year and found high levels of carbon dioxide, steam pipe leaks and evidence of some mold issues. They said they found some areas of concern, but nothing that would be hazardous to students or staff.

VIRGINIA

RICHMOND TIMES-DISPATCH

From Early Bird Richmond to welcome February with 71 degrees today. Today's forecast calls for a 20 percent chance of morning showers, then partly sunny skies, relatively light winds and an afternoon high near 71 degrees.

NORFOLK VIRGINIAN PILOT

From Early Bird Atlantic Sturgeon declared endangered. The federal government on Tuesday declared the Atlantic sturgeon an endangered species, bringing new protections for this prehistoric fish found throughout the Chesapeake Bay and especially in the James River. After more than two years of study, the National Oceanic and Atmospheric Administration determined that the large, armored fish that once swam with dinosaurs millions of years ago requires more help to avoid extinction. It has been illegal since 1998 to catch sturgeon in waters from Maine to Florida. But an environmental group, the Natural Resources Defense Council, asked the government in 2009 to further protect the fish under the Endangered Species Act. "The Atlantic sturgeon survived the Ice Age but is now threatened with extinction," Kate Slusark, a Natural Resources Defense Council spokeswoman, said in a statement Tuesday. "The federal government is giving this remarkable fish a fighting chance to live on into the 21st century." A cousin that also lives in Virginia waters, the shortnose sturgeon, already is declared endangered. Their bodies covered with orange, spiny plates, both species hardly look like fish. They resemble powerful sea snakes and can weigh 800 pounds and grow to 14 feet. Their eggs are made into caviar and remain a delicacy. Sturgeon once were a staple for Native Americans and English colonists in Virginia, including at Jamestown, but their numbers have slowly subsided under pressures from pollution, lost habitat, dredging of spawning grounds and dams. Virginia is trying to restore sturgeon, especially in the James, and created the first sanctuary for their breeding two years ago.

From Early Bird Plant Grass Seedlings for the Bay. As you plant seedlings for your backyard garden this year, plant another group of seedlings for your great big backyard, the Chesapeake Bay. The Chesapeake Bay Foundation will teach you how to grow wild celery, an underwater grass, in small tubs in your home. Then you can participate in planting your seedlings at grass restoration sites in the Bay later in the spring. CBF is sponsoring a Grasses for the

Masses workshop from 7 to 8:30 p.m. on Monday (February 6) at the Virginia Aquarium. Space is limited. Contact Terra Pascarosca at terra@terrascapes.org or call 291-4736 to reserve a grass kit. The cost is \$40 for a simple aquaculture system, seeds and more. Laurie Wagner, one of last year's workshop participants, took this the photo of her finished product when the grasses were ready for their new home in the Bay. Aquatic vegetation is important to the Bay's health, because it provides food and habitat for critters and helps with water clarity. To find out more about the CBF program, visit: <http://www.cbf.org/page.aspx?pid=457>

NEWPORT NEWS DAILY PRESS

From Early Bird Hypothetical NASA satellite would monitor air quality across U.S. Imagine a spaceborne instrument that measures the nation's air quality in five-square-mile grids every hour. Seems far-fetched, but that's exactly what NASA hopes to do. James Crawford, an atmospheric chemist at NASA Langley Research Center, spoke about the hypothetical instrument earlier this month while discussing how the agency relies on a patchwork of satellites to measure air pollution. While effective, they do not provide vertical information; for example, the satellites can spot an ozone hot spot but not how close the ozone is to Earth's surface, he said. NASA last year began what could be a precursor to the instrument by conducting a series of low flights over the Washington, D.C., area measuring air pollution, he said. That project, called DISCOVER-AQ, continues next winter in California.

From Early Bird Sturgeon to be listed endangered Atlantic sturgeon in Chesapeake Bay and elsewhere will be designated an endangered species, federal regulators announced Tuesday. Effective April 6, the listing will provide greater protection for the dinosaur-like fish and may add irksome regulations to the commercial fishing industry. Once common throughout the bay and Atlantic coast, sturgeon are known for their bony plates, called scutes. They live in saltwater and freshwater, can grow up to 14 feet long and weigh up to 800 pounds. Prized for their eggs, which sold as caviar, and their skin, which was worked as leather and turned in clothing, book-binding and other products, sturgeon were heavily fished during the 19th and 20th centuries. Fishing, combined with loss of habitat, pollution and ship strikes, decreased the population, leading Virginia to outlaw commercial harvesting in 1974. A national ban followed in 1998. Despite the protection, sturgeon have been slow to recover. A 2007 report from the National Oceanic and Atmospheric Administration, which made Tuesday's announcement, said there were fewer than 300 spawning females in the James River. Scientists say because sturgeon can live for 60 years, they are slow to reproduce.

ROANOKE TIMES

From Early Bird Wind farm concerns aired in Floyd County More than 30 speakers debated Tuesday night whether wind farms belong in Floyd County. But after two hours, there was no clear winner or direction. The Floyd County Board of Supervisors will reconvene Feb. 14 to continue deliberating whether to keep industrial windmills out or permit them under tough regulations to protect residents and the environment. Supervisors have proposed prohibiting all equipment more than 40 feet tall on ridge tops except electricity, telecommunications and TV gear, which would appear to leave no room for windmills that normally extend hundreds of feet into the sky. The measure arose from a citizen petition against wind energy after several wind-generation companies began scouting Floyd County for possible sites. On Tuesday at Floyd County High School, citizens had their say. "If I want to put one in my field, it's my business. It ain't none of y'all's business," Elmer Underwood told supervisors. He and others told supervisors not to meddle with private property rights by placing development restrictions on ridge-top structures. Others in Floyd want a law against windmills to safeguard the region's natural beauty, resources and rural tranquility. "I don't want to wear hearing protection on my front porch," Rusty Bambarger said. Supervisors also heard from wind-energy skeptics who advised that the industry can't be trusted and from others who said renewable energy must be embraced for the good of Floyd and beyond. No one from a wind-generation company spoke.

From Early Bird Region's population gains can't touch Northern Virginia's Roanoke is continuing its reversal of years of population loss, according to new population estimates, but gains here and in nearby localities are far behind Northern Virginia. Roanoke added 174 people, growing 0.2 percent between the April 2010 U.S. census and July 1, 2011, according to estimates by the Charlottesville-based Weldon Cooper Center for Public Service. That's on top of

the 2,121 people the city added during the previous decade. The latest estimates put the city's population at 97,206. While those estimates don't examine who the new residents are, the 2010 census indicated that an influx of Hispanic residents is driving the city's growth. Salem, which added just 55 people the previous decade, added 168 since then, for 0.7 percent growth. Bedford County had the largest population gain in the area, adding about 700 people for a 1 percent gain to 69,379 people. The county has been among the fastest-growing areas outside of Northern Virginia for two decades.

LYNCHBURG NEWS AND ADVANCE

From Early Bird Legislators seek state money for Lynchburg sewer upgrades Federal stimulus money has kept Lynchburg's sewer construction program going strong for two years, but state funds are needed to keep the work on pace, the city's legislators say. If state money doesn't come through, the city may have to raise its sewer rates, which already are among the highest in the state. State Sen. Steve Newman and Del. Scott Garrett are asking the General Assembly to provide at least \$2.5 million for the next two years to help the Hill City deal with the most costly project in its history. It's commonly called CSO, for combined sewer overflow. "If we do not do something on the CSO project this year or next year, I think those rates are apt to go much higher," Newman said. The two Lynchburg-area Republicans are pleading their case to other legislators in General Assembly committees this week by two methods. Newman and Garrett would prefer the assembly add \$78 million to a statewide bond package already making its way through the legislative process. Those millions would complete Virginia's obligation to help Lynchburg and Richmond upgrade their sewer systems, Newman said. They also would speed up Lynchburg's progress on building new sewer lines, he said. Both cities are under a federal order to stop storm-water runoff from flowing into sanitary sewer lines, and ultimately to stop untreated sewage from flowing into the James River after heavy rains. The upgrade began in 1989 and was expected to cost \$208 million in Lynchburg.

From Early Bird Budget constraints may hurt hatcheries, fishing at Smith Mountain Lake CAMPBELL COUNTY, VA -- David Whitehurst, the Virginia Department of Game and Inland Fisheries' director of wildlife resources, said he has not been given permission to hire the seasonal employees he'll need to staff the hatcheries this spring. "We made the request to fill these positions, and as of this date, we have not received permission to do so," Whitehurst said. "What we normally do is hire hourly people from the local area to come in and help us collect the fish, help maintain the hatchery, and do the treatments that need to take place around the clock," he said. The Vic Thomas hatchery in Campbell County stocks striped bass at several lakes, including Smith Mountain Lake. Whitehurst said any lack of manpower could result in fewer stripers at the lake. He also said that if the state doesn't give him permission to hire seasonal help in Campbell County, he plans to move the spawning and hatching part of the operation to another hatchery in King & Queen County. Whitehurst admitted that option would likely cost more money in areas such as transporting the fish to and from Campbell County.

CHARLOTTESVILLE DAILY PROGRESS

From Early Bird Louisa schools set to resume regular schedule, even as another aftershock strikes Five months after an earthquake damaged their schools, Louisa County students resume a normal, five-day-a-week schedule Wednesday, but many will attend class in steel-and-wood trailers — perhaps for four years. High school and middle school students had been sharing the Louisa County Middle School, attending classes on alternate days. Elementary school students have had separate mobile classrooms since mid-September, when classes reopened three weeks after the magnitude-5.8 quake on Aug. 23. The school day will be a half-hour longer than usual, but not as long as it was under the schedule in response to the quake. Classes had been under way for just seven days when the quake, centered in Louisa County, rattled the East Coast.

LEESBURG TODAY

From Early Bird Minchew Tables Resolution On Ches Bay Constitutionality Del. Randy Minchew (R-10) has withdrawn a resolution to request Attorney General Ken Cuccinelli to explore a challenge to the constitutionality of the federal Total Maximum Daily Load requirements. House Joint Resolution 129 was laid on the table by a House subcommittee last week at Minchew's request. The resolution maintained that the impending federal regulations

"essentially constitute an unfunded mandate in violation of the 10th Amendment to the United States Constitution" and requested Cuccinelli's assistance in fighting the TMDLs. TMDL requirements have already begun causing heartache for localities, notably Loudoun County and the Town of Leesburg, with officials already positing that adhering to the new TMDL requirements on controlling phosphorus, sediment and nitrogen output could mean hundreds of thousands, or millions, of dollars in new capital expenses. Minchew said he has heard some of these concerns in his travels around the 10th District speaking to government officials. But, while he agrees that the problem is real, he said he decided to withdraw his resolution after speaking with the Attorney General's Office. The issue is already on Cuccinelli's radar screen. Minchew also said he didn't want his legislation to be misconstrued to give the impression that there shouldn't be protections in place to safeguard the Chesapeake Bay. "I do believe the Chesapeake Bay is a national treasure and needs to be cleaned up," he said. "[My concern] was more of a constitutional question of whether the commerce clause of the Environmental Protection Agency allows an unfunded mandate." Minchew said he fears the TMDL requirements are "more of a meat axe approach to protecting the bay when a more surgical approach may be more appropriate and certainly less burdensome on the localities." In addition to perhaps requiring additional taxpayer dollars to create new infrastructure, the TMDL requirements may also mean more building requirements could be placed on contractors, Minchew noted. He said he plans to continue to monitor the issue, although whether he will introduce a new House resolution in a future session remains unknown. Minchew said he could always ask the Attorney General for his opinion via a letter, not a formal resolution

ASSOCIATED PRESS (Va.)

From Early Bird Aftershock from earthquake hits near Mineral, Va. LOUISA -- Aftershocks from last summer's magnitude-5.8 earthquake continue to rattle Virginia. The U.S. Geological Survey says a magnitude-3.2 aftershock occurred at 6:39 p.m. Monday 10 miles south-southeast of Mineral, the epicenter of the Aug. 23 earthquake. Seismologists tell media outlets that aftershocks can continue for months after an earthquake.

From Early Bird Virginia State Parks launching smartphone app RICHMOND -- Virginia State Parks has launched a smartphone application that will help guide visitors to a park nearest them and help them navigate trails and other attractions. The application is called Virginia State Parks Pocket Ranger. It was developed in collaboration with the Virginia Department of Conservation and Recreation and ParksByNature, which has partnered with a dozen states on the high-tech guide. According to parks officials, the app will offer educational and interpretive information, videos and activities to be found at state parks. The app will allow hikers, hunters and fishermen to mark their favorite spots. The free app is available for Apple and some Android devices. To download the parks app, go to www.stateparkapps.com/apps/va/apps.php.

PR NEWswire

VA Governor to Kroger: Engage in Dialogue with Mercury Paper RICHMOND, Va., Jan. 31, 2012 -- *Governor McDonnell asks major U.S. retailer to find common ground with local manufacturer* RICHMOND, Va., Jan. 31, 2012 /PRNewswire-USNewswire/ -- In a newly released letter, Virginia Governor Bob McDonnell warns Kroger CEO David Dillon that the company's plan to halt purchases from a local Virginia paper manufacturer is misguided and undermines the Commonwealth's economic recovery. Detailing the high stakes of Kroger's decision, Governor McDonnell writes: *"In recent weeks, I have heard from many constituents about plans by Kroger to halt purchases from Mercury Paper, a manufacturer in the Commonwealth, because their key suppliers Asia Pulp & Paper. "The organizations pressing for this boycott are focused neither on the best interests of Virginia's citizens, nor your customers, and are unaware of Mercury's commitment to environmental sustainability throughout its supply chain. "Mercury Paper is an important part of Virginia's economic recovery and Kroger's decision will harm this business. They have created jobs in a struggling part of our state through advanced technology and by bolstering trade."...* "Governor McDonnell has stepped up to defend Mercury Paper against the 'green elite,'" said AFP-Virginia state director and Coalition to Protect Virginia Jobs (CPVJ) member Audrey Berkshire Jackson.

NORTHERN VIRGINIA DAILY

Legislation to control stormwater advances Regulations that take effect in 2014 would give most of the

responsibility to localities WINCHESTER -- Bills aimed at controlling stormwater runoff and protecting the Chesapeake Bay through local monitoring continue to move forward in the General Assembly. Regulations that take effect in 2014 would give most of the responsibility for permitting and monitoring stormwater management to localities. But, as Joe Wilder, deputy director of public works for Frederick County, the localities also receive most of the money from permitting fees. "Really, I can sum up the bill in one little sentence here," Wilder told panel members. "It basically says that 'any locality shall be required to adopt a Virginia stormwater management program.' It's real clear." The county would review a developer's stormwater management plan for a project using new standards for water quality and quantity. As Wilder explained, the localities would charge a fee for such stormwater permits, and the state would get 28 percent of the revenue. The Environmental Protection Agency still requires the state to issue stormwater permits and would not let Virginia give that responsibility to localities, Wilder said. The state will develop a training program and create a model ordinance for localities to adopt and use in future permitting and monitoring, according to Wilder. The Virginia Soil and Water Conservation Board must then approve local programs. All that has to happen by July 1, 2014, he said.

MISCELLANEOUS

BNA DAILY ENVIRONMENT REPORT

From Early Bird Court Says Statute of Limitations Prevents EPA Power Plant Claims EPA missed its window to seek civil penalties from Ameren Missouri over two modification projects at a coal-fired power plant that have been finished since 2002 and 2004, a federal judge in Missouri rules. The five-year statute of limitations for the alleged violations has passed, Judge Rodney W. Sippel of the U.S. District Court for the Eastern District of Missouri says in dismissing civil penalty claims in four of the six counts in the government's complaint, partially granting Ameren's motion to dismiss.

From Early Bird Green Infrastructure Should Be Option, Not Mandate, Rendell Says Former Pennsylvania Gov. Edward Rendell says that states should not be required to incorporate green infrastructure into their planning for water and transportation infrastructure. "Green infrastructure should be made optional for states, not a mandate," he says. That is because not all localities are suitable for permeable pavement, tree-lined streets, bicycle lanes, and rain roofs. Rendell, who is the co-chairman of the nonprofit Building America's Future along with former Calif. Gov. Arnold Schwarzenegger and New York City Mayor Michael Bloomberg, says the group is advocating for a 10-year national plan for making strategic investments in the nation's infrastructure.

From Early Bird Virginia Supreme Court Orders New Hearing in Climate Change Litigation Virginia's Supreme Court will hear new arguments in a lawsuit in which the court previously decided that an insurance carrier did not have a duty to defend an energy company being sued for its alleged contribution to climate change. The court orders a new hearing in the lawsuit after energy company AES Corp. argued the court's decision was overly broad and could impair the administration of insurance claims for negligence in Virginia. The rehearing is scheduled for the court's February session.

BLOOMBERG NEWS SERVICE

From Early Bird Tainted-Well Lawsuits Mount Against Gas Frackers Led by Cabot

For 36 years, Norma Fiorentino drew water from a well near her home in Dimock, Pennsylvania. "It was the best water in town," she says. Then on Jan. 1, 2009, she says her well blew up. State regulators later blamed natural gas drilling by Cabot Oil & Gas Corp. for elevating methane levels in Dimock wells. Fiorentino and her neighbors sued, alleging Cabot's activities caused contamination and, in Fiorentino's case, an explosion that cracked a concrete cap into three pieces. Cabot has denied responsibility. The Dimock case, in federal court in Scranton, Pennsylvania, is among a batch of claims that aim to put hydraulic fracturing, the process that injects a mix of water, sand and

chemicals underground to free gas trapped there, on trial. The suits could lead to payouts to plaintiffs and stricter government regulations, raising costs on an industry President Barack Obama says can boost the economy. "The plaintiffs bar is always looking for the next big thing," said Jennifer Quinn-Barabanov, a partner at Washington-based Steptoe & Johnson LLP, which has represented oil and gas companies. "There were a number of lawsuits filed, and now everyone is kind of waiting and seeing." The holdup is that plaintiffs' lawyers haven't been able to prove that chemicals injected thousands of feet underground migrate upward into drinking aquifers located just a few hundred feet below the surface, Quinn-Barabanov said. That's kept fracking from becoming the bounty for plaintiff's attorneys that, say, methyl tertiary-butyl ether, or MTBE, has been, she said. That gasoline additive has leaked into drinking water sources, leading to multimillion dollar settlements against companies including Chevron Corp. (CVX) and BP Plc (BP). Stuart Smith, a New Orleans-based plaintiffs' attorney, said the number of cases will increase as fracking expands into more populated areas and complaints grow. More drilling may also create new routes for the chemicals to migrate, he said. "Anyone that tells you this is not very risky and dangerous operation is not telling you the truth," Smith said in an interview. "You have a wildcat mentality where people are out there just fracking away."

FirstEnergy seeks solar credits for Ohio First Energy Corp. said on Monday that it is looking to buy solar energy credits to offset power it produces in Ohio. The credits are designed to offset pollution. FirstEnergy said it is seeking proposals for 10-year contracts for Solar Renewable Energy Credits for customers of its utilities in Ohio -- Ohio Edison, Cleveland Electric Illuminating, and Toledo Edison. The credits are needed under an Ohio energy law. Full bids are due March 6. The company has been adjusting its operations to get ready for new environmental regulations. That includes plans announced Thursday to shut down six coal-fired power plants in Ohio, Pennsylvania, and Maryland by Sept. 1 because it would have been too expensive to bring them into compliance with new federal Environmental Protection Agency regulations.

INTERNATIONAL BUSINESS TIMES

From Early Bird Hydraulic Fracturing: How Does a Natural Gas Well Get Drilled? Just what is hydraulic fracturing, the controversial natural gas drilling technique that has sparked a rush for natural gas in the U.S.? There are strong opinions on both sides. Industry players, such as the American Petroleum Institute and energy companies including Chesapeake and Cabot Oil & Gas, claim hydraulic fracturing holds the key to the nation's energy security by tapping into large reserves of fuel trapped underground. By drilling deep into the rock and then horizontally, one well can mine quantities of natural gas that multiple horizontal wells could not have. The drilling innovation, though, has led to fears that large swaths of land and water tables are subject to pollution risks. Grassroots opponents and The Natural Resource Defense Council say hydraulic fracturing causes pollution and the EPA has linked groundwater contamination to hydraulic fracturing draft study from Wyoming. EPA regulators are visiting and retesting water samples in Dimock, Pa, after water tests there prompted the EPA into action. EPA Administrator Lisa Jackson has testified before the U.S. Senate there are as of yet "no proven cases" that hydraulic fracturing causes groundwater contamination. So what does a horizontal hydraulic fracturing natural gas well look like? Variations abound depending on geography, but each well more or less matches this "anatomy." The following well design reflects a Barnett Shale gas well in North Texas.

ASSOCIATED PRESS

From Early Bird Judge: BP contract shielded Halliburton from paying spill costs, but faces paying hefty fines
EW ORLEANS — A federal judge ruled Tuesday that Halliburton can avoid paying most of the pollution claims that resulted from the catastrophic 2010 Gulf of Mexico oil spill because it was shielded in a contract with well-owner BP. Still, U.S. District Judge Carl Barbier said that Halliburton is not exempt from paying punitive damages and civil penalties that arise from the April 20, 2010, blowout off the Louisiana coast. Those penalties could amount to billions of dollars. The judge also said Halliburton's indemnity could be voided if the company is found to have defrauded BP. He did not rule on BP's allegations that Halliburton committed fraud by declaring the cement safe to use. Houston-based Halliburton supplied cement for the ill-fated Macondo well that blew out in the Gulf of Mexico, and federal investigators have found that the cement failed to seal to the well properly. The cement job was one of several factors that investigators said contributed to the blowout that killed 11 workers and led to the release of more

than 200 million gallons of oil.

FUELFIX

Ohio tries to avoid being dumping ground for fracking fluid The millions of gallons of chemical-laced wastewater that fracking produces must flow somewhere, and Ohio (STOOH1) is trying not to be that place. The oil and natural-gas drilling boom spurred more permits for disposal wells there during the past two years than during the previous decade combined. The volume injected into them was on a near-record pace last year, according to the Department of Natural Resources, and more than half was from out of state. That included 92.6 percent of the water sent to a Youngstown well closed last year after 11 nearby earthquakes. “We have become in Ohio the dumping ground for contaminated brine,” state Representative Armond Budish, the House Democratic leader, said at a Jan. 26 forum in Columbus. “We didn’t prepare adequately for the potential for earthquakes and other environmental problems.” Now, Ohio is considering tightening regulations governing wells in response to the temblors and seeking to stem out-of-state fluid shipments. It’s an example of the challenges U.S. states face as they try to enjoy hydraulic fracturing’s economic boost while avoiding its side effects. State Rep. Jamie Boles and three other House Republicans are in Pennsylvania this week to learn more about fracking, the controversial natural gas extraction method.

Opinion: Fracking boom could finally cap myth of peak oil

The U.S. oil market could be on the verge of its own fracking revolution, similar to what the natural-gas market is already experiencing. As a result, domestic production is now projected to rise significantly over the coming decades, reducing the relative share of imports in U.S. oil consumption. Advances in horizontal drilling and hydrofracking, in which highly pressurized liquids are injected into underground rock, have been used increasingly over the past few years to extract natural gas. The result has been a substantial increase in recoverable reserves — accompanied by a lot of controversy over fracking’s environmental effects — and an associated decline in the cost of natural gas.

WALL ST. JOURNAL

New Risks for Nuclear Plants

Reactors in Central, Eastern U.S. Face Greater Earthquake Threat, Study Finds. Nuclear reactors in the central and eastern U.S. face previously unrecognized threats from big earthquakes, the Nuclear Regulatory Commission said Tuesday. Experts said upgrading the plants to withstand more substantial earth movements would be costly and could force some to close. The NRC said it would require nuclear-plant operators to conduct new seismic studies for all 96 reactors in eastern and central states to determine if the plants could withstand the shaking predicted by the government’s new seismic model. Updating the U.S. survey of past seismic activity became urgent after a 9.0-magnitude earthquake and tsunami devastated northeastern Japan last March. The event overwhelmed the defenses of reactors at the Fukushima Daiichi site, causing widespread damage and radioactive releases. The earthquake exceeded the level for which the reactors had been designed, calling into question earlier seismic assessments.

SOUTHERN PINES PILOT (NC)

Boles Part of Fracking Group Visiting Pennsylvania Fracking is illegal in North Carolina — for now. But legislation passed last year by the General Assembly has moved the state closer to shale gas development. House Bill 242 calls for completion of a study by three state agencies by May 1, in time for the 2012 legislative session. Among other things, the study must include an assessment of the potential environmental, economic and social impacts. “I don’t know a whole lot about fracking, so I personally want to look at everything,” Boles said Tuesday from Pennsylvania. “We’re going all over the place and meeting with people on both sides of the issue. I’d just like to see how fracking operates and what the concerns are across the board.” The four-day trip, which ends Friday, was planned by the N.C. Department of Environment and Natural Resources (DENR), the lead agency conducting the study. The North Carolina contingent includes DENR staff members, Boles and fellow House Republicans Mitch Gillespie, Mike Stone and Chuck McGrady, a former president of the Sierra Club board of directors. “We’re just piggybacking off the DENR fact-finding trip,” Boles said.

SUSTAINABLE BUSINESS

Intel still leads nation in green power

Intel Corp. continues to hold the No. 1 spot for green power purchasing according to a new ranking released Tuesday by the U.S. Environmental Protection Agency. According to data collected by the EPA, Intel used 2.5 billion kilowatt hours of solar and wind power last year, a combination of on-site generation and purchases of green power through a third party. In all, 88 percent of Intel's energy needs were met by green power. In addition, the EPA found that Oregon State University ranked No. 4 in the nation for green power usage among colleges and universities, getting 100 percent of its energy needs met either by on-site generation or renewable energy credits purchased through the Bonneville Environmental Foundation. OSU used 95 million kilowatt hours of green power last year. The No. 1 university was University of Pennsylvania with 200 million kilowatt hours of green power last year, followed by Carnegie Mellon University with 119.5 million kilowatt hours and University of Utah with 98.2 million kilowatt hours.

THE STREET (NY)

Frackers Drilling for IPO Dollars

NEW YORK (TheStreet -- It looks like the most popular place for a fracking company these days is the IPO market. Two energy companies known for their fracking technologies are going after public money even as the drilling technique continues to receive negative publicity. Natural gas prices recently hit a ten-year low and only rebounded after **Chesapeake Oil (CHK)** said it would drill less. These factors might deter some from going public but **U.S. Silica Holdings (SLCA)** is seeking to raise \$200 million this week through the sale of 11.8 million shares for \$16-\$18 each. The company is the second largest producer of commercial silica, which is a sand-like substance used in fracking as well as glass making and chemical manufacturing.

FORBES

EPA Won't Take It -- Nor Should They

Election year politics always brings out raw emotions. But are the attacks on President Obama's Environmental Protection Agency justified or they are self-serving and an attempt to wrest power? Consider the debate over whether EPA has the authority to oversee shale gas production. At issue is whether the public has a right to know what chemicals are used in the extraction process and whether EPA has the ability to oversee wastewater disposal from oil and gas production. EPA will issue new rules in 2014, although developers say that they won't go down without a fight. As far as wastewater goes, EPA says that it is prohibited from being directly discharged into U.S. waterways. And while some of it is re-used or re-injected, a significant amount must still be disposed. As a result, some wastewater associated with shale gas is transported to treatment plants that are not properly equipped, the agency adds. Then there's the matter of what chemicals are used during fracking, or when developers go deep underground to get the shale gas. Communities around the country are expressing real concerns about the safety of their drinking water and want to know exactly what comprises those concoctions. "I'm requiring all companies that drill for gas on public lands to disclose the chemicals they use," says President Obama, in his State of the Union Address. Some developers, such as Chesapeake Energy, are supportive of this measure, although others maintain the release of such information is anti-competitive. ... "The EPA is committed to using its authorities, consistent with the law and best available science, to protect communities across the nation from impacts to water quality and public health associated with natural gas production activities," says Cynthia Dougherty, EPA's director of ground and drinking water, before Congress. "Where we know problems exist, the EPA will not hesitate to protect Americans whose health may be at risk." Pre-emptive Steps ...

DAILY COMET

Drillers in Texas must now post fracking details online Companies working in Texas oil fields must disclose the amount of water and the mix of chemicals they use in hydraulic fracturing starting today under a new rule heralded by industry and environmentalists as a big transparency improvement....Regulators say the new rule is designed to address public concern about the potential environmental impact of hydraulic fracturing - which involves pumping water, sand and chemicals into rocky formations at high pressure to release oil and gas.

CNN

EPA misses dioxin deadline

The U.S. Environmental Protection Agency missed its self-imposed deadline to complete a dioxin health assessment by the end of January. The agency, which has been working on publishing dioxin risks since the mid-1980s, on Wednesday said the report would be "finalized as expeditiously as possible." The missed deadline prompted criticism from environmental groups. "Shame on EPA Administrator Lisa Jackson for denying parents the information they need to protect their children from the health impacts of dioxin, said Lois Marie Gibbs, executive director of the Center for Health, Environment & Justice. The EPA planned to release a non-cancer health assessment of dioxin by January 31, with the cancer assessment following soon after. The agency's plans to quantify dioxin risks has pitted environmental groups, parent organizations and Vietnam veterans in favor of an assessment against the agriculture, food and chemical industries, which say the EPA report is unnecessary and will hurt businesses by triggering unfounded fears.

WALL ST. JOURNAL

FEBRUARY 1, 2012

New Risks for Nuclear Plants Reactors in Central, Eastern U.S. Face Greater Earthquake Threat, Study Finds

By REBECCA SMITH

Nuclear reactors in the central and eastern U.S. face previously unrecognized threats from big earthquakes, the Nuclear Regulatory Commission said Tuesday. Experts said upgrading the plants to withstand more substantial earth movements would be costly and could force some to close.

Threat by Land and Sea

Dozens of nuclear reactors operate in earthquake-prone regions around the world. Among them, least 34 are in high-hazard areas; 17 of those are within a mile of a coastline. The NRC said it would require nuclear-plant operators to conduct new seismic studies for all 96 reactors in eastern and central states to determine if the plants could withstand the shaking predicted by the government's new seismic model.

Updating the U.S. survey of past seismic activity became urgent after a 9.0-magnitude earthquake and tsunami devastated northeastern Japan last March. The event overwhelmed the defenses of reactors at the Fukushima Daiichi site, causing widespread damage and radioactive releases. The earthquake exceeded the level for which the reactors had been designed, calling into question earlier seismic assessments.

The NRC plans to give nuclear-plant operators four years to re-evaluate risks by running complex calculations for all structures, systems and components. By law, nuclear plants must be able to withstand earthquakes "without functional impairment of those features necessary to shut down the reactor, maintain the station in safe condition and prevent undue risk to the health and safety of the public."

The seismic study "is an important piece of work but it doesn't tell us what needs to be done," said Alex Marion, vice president for nuclear operations at the Nuclear Energy Institute, a trade organization. "The model will need to be applied to specific sites and that will take awhile."

Critics said regulators are moving too slowly. "The NRC does not need a new model—it needs a spine," said Dave

Lochbaum, director of nuclear safety for the Union of Concerned Scientists in Chattanooga, Tenn. The NRC already has sufficient evidence to require immediate upgrades to dozens of plants, he said, adding that further delay amounts to a "bureaucratic stall tactic."

The NRC has said it needs more information before requiring upgrades. NRC spokesman Scott Burnell said it was possible "that operators will do the analyses and say, 'Our existing safety margin covers it, so no upgrades are needed.' We just don't know yet."

Any required retrofits could be expensive. "To go back into some of these older plants and deal with seismic issues might end up costing more than the plants are worth," said Stephen Maloney, a partner at Azoulas Risk Advisors in Boston, a consulting firm that works with the nuclear industry. That could force such plants to close.

Associated Press

The Tennessee Valley Authority's Watts Bar Nuclear Plant in Spring City, Tenn.

The seismic model could influence new seismic maps the U.S. Geological Survey is expected to issue next year, and could affect building codes and insurance rates.

The new model was jointly developed by the NRC, the U.S. Department of Energy and an industry-funded research group, the Electric Power Research Institute. The model incorporates information on about a thousand earthquakes that previously weren't cataloged. Those were determined through written records, geologic data, carbon dating and other methods. The research brings the total to nearly 3,300 quakes in the region since 1568.

The model shows increased hazards at many locations. For example, it indicates that the single worst earthquake likely to happen in a 10,000-year period in Chattanooga, Tenn., would be nearly twice as damaging to structures as previously calculated. Scientists found similar hazards at six other locations where they did spot checks: Houston; Manchester, N.H.; Jackson, Miss.; Topeka, Kan.; central Illinois; and Savannah, Ga.

Atlanta-based Southern Co. hopes to build two reactors in central Georgia, about 100 miles from Savannah. The company took the latest seismic information into account and believes the reactors will meet the standard of the new model, said B.L. "Pete" Ivey, a vice president. But Southern will need to run calculations for its existing reactors to see if they meet the standard, he said.

Because regulators worry about "low probability/high consequence" events like the one in Japan, much seismic research now is focused on the central and eastern U.S., an area once seen as less active geologically than the West. There are 96 reactors in the region, compared with just eight in the West.

Scientists, using computers, satellites and field data, now know there have been many huge earthquakes in the central and eastern regions of the country. And shock waves travel far in the East because the Earth's crust is more rigid there than in the West.

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